

**Exhibit 4**

**POLLOCK | COHEN LLP**  
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*CONTACT:*

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November 22, 2019

*revised & re-filed* November 27, 2019

**VIA NYSCEF**

Susanna Molina Rojas, Esq.  
Clerk of the Court  
Appellate Division, First Department  
27 Madison Ave.  
New York, NY 10010

**SUGGESTION OF BANKRUPTCY**

Re: *Arie Genger et al. v. Sagi Genger et al.*, No. 2019-4438

Dear Ms. Rojas:

We represent the Michael Oldner, the Trustee of The Orly Genger 1993 Trust, who will be the Appellant in the above-captioned matter.

First, we note that Orly Genger, who was a party to the (now-dismissed) lower court action, filed a voluntary petition for bankruptcy on July 12, 2019 in the United States Bankruptcy Court for the Western District to Texas, under Case No. 19-bk-10926. Attached hereto as Exhibit A is a copy of the Suggestion of Bankruptcy filed in Supreme Court. Accordingly, we respectfully suggest that the appeal in this matter may be stayed pending her bankruptcy.

\* \* \*

Susanna Molina Rojas, Esq.  
November 22, 2019  
Page 2 of 2

Thank you for your consideration in this matter.

Respectfully submitted,



Adam Pollock

cc: All counsel (via First Class Mail)

# Exhibit A

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

ARIE GENDER and ORLY GENDER, in her individual  
capacity and on behalf of THE ORLY GENDER 1993 TRUST,

Plaintiffs,

- against -

SAGI GENDER, TPR INVESTMENT ASSOCIATES, INC.,  
DALIA GENDER, THE SAGI GENDER 1993 TRUST,  
ROCHELLE FANG, Individually and as Trustee of THE SAGI  
GENDER 1993 TRUST, GLENCLOVA INVESTMENT CO.,  
TR INVESTORS LLC, NEW TR EQUITY I, LLC, NEW TR  
EQUITY II, LLC, JULES TRUMP, EDDIE TRUMP, MARK  
HIRSCH, and TRANS-RESOURCES, INC.,

Defendants.

SAGI GENDER, individually and as assignee of THE SAGI  
GENDER 1993 TRUST, and TPR INVESTMENT  
ASSOCIATES, INC.,

Cross-Claimants, Counterclaimants, and  
Third Party Claimants,

- against -

ARIE GENDER, ORLY GENDER, GLENCLOVA  
INVESTMENT CO., TR INVESTORS, LLC, NEW TR  
EQUITY I, LLC, NEW TR EQUITY II, LLC, JULES  
TRUMP, EDDIE TRUMP, MARK HIRSCH, TRANS-  
RESOURCES, INC., AND WILLIAM DOWD,

Cross-Claim, Counterclaim, and/or  
Third Party Defendants.

Index No.: 651089/2010

**Suggestion of  
Bankruptcy**

PLEASE TAKE NOTICE that, on July 12, 2019, Plaintiff Orly Genger filed a voluntary  
petition for bankruptcy under Chapter 7 of Title 11 of the United States Code in the United  
States Bankruptcy Court for the Western District of Texas, under Case No. 19-bk-10926.  
Attached hereto as Exhibit A is a true and correct copy of the chapter 7 petition.

Dated: November 19, 2019  
New York, New York

Respectfully Submitted,

POLLOCK COHEN LLP

By: /s/ Adam Pollock  
Adam Pollock

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New York, NY 10004  
(646) 290-7251  
Adam@PollockCohen.com  
*Attorneys for Michael Oldner, Trustee of the Orly  
Genger 1993 Trust*

# Exhibit A

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

**WESTERN DISTRICT OF TEXAS**

Case number (if known): \_\_\_\_\_ Chapter you are filing under:

- ☒ Chapter 7  
☐ Chapter 11  
☐ Chapter 12  
☐ Chapter 13

☐ Check if this is an amended filing

**Official Form 101**

**Voluntary Petition for Individuals Filing for Bankruptcy**

**12/17**

The bankruptcy forms use you and Debtor 1 to refer to a debtor filing alone. A married couple may file a bankruptcy case together--called a joint case--and in joint cases, these forms use you to ask for information from both debtors. For example, if a form asks, "Do you own a car," the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses Debtor 1 and Debtor 2 to distinguish between them. In joint cases, one of the spouses must report information as Debtor 1 and the other as Debtor 2. The same person must be Debtor 1 in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Identify Yourself**

|  | About Debtor 1:  | About Debtor 2 (Spouse Only in a Joint Case):  |
|--|--|--|
| <b>1. Your full name</b><br><br>Write the name that is on your government-issued picture identification (for example, your driver's license or passport).<br><br>Bring your picture identification to your meeting with the trustee. | <b>Only</b><br>First Name _____<br><br>Middle Name _____<br><br><b>Genger</b><br>Last Name _____<br><br>Suffix (Sr., Jr., II, III) _____ | First Name _____<br><br>Middle Name _____<br><br>Last Name _____<br><br>Suffix (Sr., Jr., II, III) _____ |
| <b>2. All other names you have used in the last 8 years</b><br><br>Include your married or maiden names.   | First Name _____<br><br>Middle Name _____<br><br>Last Name _____   | First Name _____<br><br>Middle Name _____<br><br>Last Name _____   |
| <b>3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)</b>  | <b>xxx - xx - 8 8 9 3</b><br><br>OR<br><br><b>9xx - xx -</b> _____   | <b>xxx - xx -</b> _____<br><br>OR<br><br><b>9xx - xx -</b> _____   |



Debtor 1 **Orly Genger** Case number (if known) \_\_\_\_\_

**About Debtor 1:**

**4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years**

Include trade names and doing business as names

☒ I have not used any business names or EINs.

Business name \_\_\_\_\_

Business name \_\_\_\_\_

Business name \_\_\_\_\_

EIN \_\_\_\_\_

EIN \_\_\_\_\_

**5. Where you live**

**210 Lavaca St.**

Number Street

**Unit 1903**

**Austin TX 78701**

City State ZIP Code

**Travis**

County

**If your mailing address is different from the one above, fill it in here.** Note that the court will send any notices to you at this mailing address.

Number Street

P.O. Box

City State ZIP Code

**6. Why you are choosing this district to file for bankruptcy**

*Check one:*

☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain. (See 28 U.S.C. § 1408.)

**About Debtor 2 (Spouse Only in a Joint Case):**

☐ I have not used any business names or EINs.

Business name \_\_\_\_\_

Business name \_\_\_\_\_

Business name \_\_\_\_\_

EIN \_\_\_\_\_

EIN \_\_\_\_\_

**If Debtor 2 lives at a different address:**

Number Street

City State ZIP Code

County

**If Debtor 2's mailing address is different from yours, fill it in here.** Note that the court will send any notices to you at this mailing address.

Number Street

P.O. Box

City State ZIP Code

*Check one:*

☐ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason. Explain. (See 28 U.S.C. § 1408.)

**Part 2: Tell the Court About Your Bankruptcy Case**

**7. The chapter of the Bankruptcy Code you are choosing to file under**

*Check one:* (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.

☒ Chapter 7

☐ Chapter 11

☐ Chapter 12

☐ Chapter 13



Debtor 1 **Orly Genger**

Case number (if known) \_\_\_\_\_

**Part 3: Report About Any Businesses You Own as a Sole Proprietor****12. Are you a sole proprietor of any full- or part-time business?**

- ☒ No. Go to Part 4.  
☐ Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

Name of business, if any \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

City \_\_\_\_\_

State \_\_\_\_\_

ZIP Code \_\_\_\_\_

Check the appropriate box to describe your business:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ None of the above

**13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?**

*If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines.* If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

For a definition of small business debtor, see 11 U.S.C. § 101(51D).

- ☒ No. I am not filing under Chapter 11.  
☐ No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.  
☐ Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.

**Part 4: Report If You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention****14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?**

- ☒ No  
☐ Yes. What is the hazard?

If immediate attention is needed, why is it needed? \_\_\_\_\_

*For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?*

Where is the property? \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

ZIP Code \_\_\_\_\_









UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

IN RE: **Orly Genger**

CASE NO

CHAPTER **7**

**VERIFICATION OF CREDITOR MATRIX**

The above named Debtor hereby verifies that the attached list of creditors is true and correct to the best of his/her knowledge.

Date 7/12/2019

Signature /s/ Orly Genger  
Orly Genger

Date \_\_\_\_\_

Signature \_\_\_\_\_



Arie Genger  
19111 Collins Ave.  
Apt. 706  
Sunny Isles, FL 33160

Eric Herschmann  
210 Lavaca St., Unit 1903  
Austin, TX 78701

Internal Revenue Service  
P.O. Box 21126  
Philadelphia, PA 19114

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Attn: Daniel Benson, Esq.  
1633 Broadway, 21st Floor  
New York, NY 10019

Sagi Genger  
c/o John Dellaportas  
Emmt, Marvin & Martin, LLP  
120 Broadway, 32nd Floor  
New York, NY 10271

United States Trustee  
903 San Jacinto, Ste. 230  
Austin, TX 78701

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